



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

MEH:ddj  
Docket No: 6134-99  
4 January 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 17 November 199, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your request for a refund of Survivor Benefit Plan (SBP) premiums has been denied. Based on your divorce your SBP has been terminated effective 18 June 1999. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

17 Nov 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR Pay memo of 5 Oct 99  
(b) DOD Financial Management Regulation (Vol 7B)

1. Per reference (a), recommend the BCNR not correct LT Garcia's record to reflect that he did not enrolled in the Survivor Benefit Plan (SBP) when he transferred to the Retired List.

2. This recommendation is based on the following:

a. [REDACTED] transferred to the Retired List on 1 October 1998.

b. [REDACTED] was enrolled in SBP spouse coverage category automatically because his election certificate was not received by Defense Finance and Accounting Service, Cleveland (DFAS-CL) prior to transferring to the Retired List.

3. Per reference (b), "A member who retires on or after 21 September 1972, has automatic participation at a maximum level, unless he/she elects otherwise before retirement."

M. P. WARDLAW  
Head, Navy Retired Activities  
Branch (PERS-622)